

JOURNAL OF THE HOUSE.

Wednesday, June 27, 2007.

Met according to adjournment, at eleven o'clock A.M., with Mr. Petrolati of Ludlow in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Prayer.

God of Wisdom and Truth, we look to You, in Whose presence we live, for direction and counsel as we sift through this day's legislative proposals. Help us to recognize and to select the legislative options which are right, fair, ethical and suited for these times of change at home and around the world. In our role as elected leaders in our communities, may we strengthen our traditional institutions which in turn helps to stabilize our neighborhoods. Inspire us to have an open mind and an open ear to the concerns of constituents as they struggle to remain faithful to their personal and family responsibilities. May we continue to build safe, civil, prosperous and drug-free communities.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

Pledge of
allegiance.

At the request of the Chair (Mr. Petrolati), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Statement Concerning Representative Balser of Newton.

A statement of Mr. Rushing of Boston concerning Ms. Balser of Newton, was spread upon the records of the House, as follows:

Statement
concerning
Representative
Balser of
Newton.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Balser of Newton, will not be present in the House Chamber for today's sitting due to a death in her family. Any roll calls that she may miss today will be due entirely to the reason stated.

Statement Concerning Representative Canavan of Brockton.

A statement of Mr. Rushing of Boston concerning Ms. Canavan of Brockton, was spread upon the records of the House, as follows:

Statement
concerning
Representative
Canavan of
Brockton.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Canavan of Brockton, will not be present in the House Chamber for today's sitting due to a previously scheduled commitment at the United States Holocaust Memorial in Washington D.C. Museum. Any roll calls that she may miss today will be due entirely to the reason stated.

Statement Concerning Representative Rogers of Norwood.

A statement of Mr. Rushing of Boston concerning Mr. Rogers of Norwood, was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Rogers of Norwood, will not be present in the House Chamber for today's sitting due to a previously scheduled commitment at the United States Holocaust Memorial Museum in Washington D.C. Any roll calls that he may miss today will be due entirely to the reason stated.

Statement
concerning
Representative
Rogers of
Norwood.

Statement Concerning Representative Speliotis of Danvers.

A statement of Mrs. Harkins of Needham concerning Mr. Speliotis of Danvers was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Speliotis of Danvers, will not be present in the House Chamber for today's sitting as he is one of only fifteen legislators of Greek descent from the United States invited by the Greek government to participate as a delegate to the World Hellenic Inter-Parliamentary Association General Assembly in Athens, hosting sixty-one delegates from fifteen countries, including the Prime Minister of Romania. Any roll calls that he may miss today or for the next few days will be due entirely to the reason stated.

Statement
concerning
Representative
Speliotis of
Danvers.

Massachusetts Legislators Association.

During the session, the Speaker took the Chair, declared a brief recess and administered the oaths of office to incoming officers of the Massachusetts Legislators Association.

Massachusetts
Legislators
Association.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mr. Barrows of Mansfield) congratulating Domenic J. Calnan on receiving the Eagle Award of the Boy Scouts of America;

Domenic J.
Calnan.

Resolutions (filed by Mr. Hargraves of Groton) congratulating George W. Bacon on his forty three years of service to the Commonwealth of Massachusetts, town of Dunstable Volunteer Fire Department;

George W.
Bacon.

Resolutions (filed by Mr. Honan of Boston) congratulating Jack Bicknell on the occasion of his retirement from football; and

Jack
Bicknell.

Resolutions (filed by Mr. Perry of Sandwich) congratulating Peters Pond RV Resort;

Peters Pond
RV Resort.

Mr. Scaccia of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Donato of Medford, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Petitions severally were presented and referred as follows:

By Mr. Kaufman of Lexington, joint petition (accompanied by bill, House, No. 4124) of Jay R. Kaufman and others (by vote of the

Arlington, also-
holic
beverages.

town) relative to the minimum seating capacity of restaurants applying for licenses for the sale of alcoholic beverages in the town of Arlington. To the committee on Consumer Protection and Professional Licensure.

Needham,
sewer
construction.

By Mrs. Harkins of Needham, petition (accompanied by bill, House, No. 4121) of Lida E. Harkins and Scott P. Brown (by vote of the town) for legislation to authorize the town of Needham to construct and maintain a common sewer line through the Farley Pond Conservation Area; and

Needham,
Ridge Hill
Reservation.

By the same member, petition (accompanied by bill, House, No. 4122) of Lida E. Harkins and Scott P. Brown (by vote of the town) that the town of Needham be authorized to use a portion of the Ridge Hill Reservation as a senior center;

Severally to the committee on Municipalities and Regional Government.

Arlington,
Daniel
Wesinger.

By Mr. Kaufman of Lexington, joint petition (accompanied by bill, House, No. 4123) of Jay R. Kaufman and others (by vote of the town) for legislation to authorize Daniel Wesinger of the town of Arlington to take a civil service examination for the position of fire fighter in said town. To the committee on Public Service.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

Saturday
elections,
study.

By Mr. Correia of Fall River, petition (subject to Joint Rule 12) of Robert Correia and others for an investigation by a special commission (including members of the General Court) relative to the holding of elections on Saturdays.

Housing
authorities,
membership.

By the same member, petition (subject to Joint Rule 12) of Robert Correia and others relative to the membership of housing authorities in certain cities of the Commonwealth.

Teachers,
tax
deduction.

By Mr. Petersen of Marblehead, petition (subject to Joint Rule 12) of Douglas W. Petersen for legislation to provide for an income tax deduction for certain public school teachers.

Parking,
fines.

By the same member, petition (subject to Joint Rule 12) of Douglas W. Petersen relative to the fines paid for parking violations in the cities and towns of the Commonwealth.

Ammunition,
encoding.

By the same member, petition (subject to Joint Rule 12) of Douglas W. Petersen that the Secretary of Public Safety be directed to maintain a data base for encoding ammunition manufactured for the use of firearms regulated by the Commonwealth.

Severally, under Rule 24, to the committee on Rules.

Papers from the Senate.

Pension
divestment.

A Bill relative to pension divestment (Senate, No. 2255, amended striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2217) (on Senate Bill No. 1961), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

A Bill relative to municipal real estate tax notices (Senate, No. 1691) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Real estate
tax.

Reports of the Department of Public Health (under the provisions of sections 5 and 20 of Chapter 111 of the General Laws) relative to inspections of certain correctional facilities, as follows:

Correctional facil-
ities, inspection
reports.

Of the Middlesex County Jail, in the city of Cambridge; and

Of M.C.I. Plymouth, in the town of Carver;

Severally were spread upon the records of the House; and returned to the Senate.

A petition of Stanley C. Rosenberg and John W. Scibak for legislation to establish a sick leave bank for Daniel Curran, an employee of the Department of Correction, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

Daniel
Curran,
sick leave
bank.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2280) was referred, in concurrence, to the committee on Public Service.

Reports of Committees.

By Ms. Kaprielian of Watertown, for the committee on Municipalities and Regional Government, on a petition, a Bill relative to the school department of the town of Tewksbury (House, No. 4117, changed by adding at the end thereof the following section:

Tewksbury,
teachers.

"SECTION 2. This act shall take effect upon its passage.") [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Miceli of Wilmington, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on further motion of the same member, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill regarding the use of certain SBA reimbursements to the city of Medford (House, No. 4096, changed) be scheduled for consideration by the House.

Medford,
school
funds.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

Thomas
Connolly,
sick leave.

Emergency Measure.

The engrossed Bill establishing a sick leave bank for Thomas A. Connolly, an employee of the Department of Correction (see House, No. 4023), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 4 to 0. Sent to the Senate for concurrence.

Bill
enacted.

Engrossed Bill.

The engrossed Bill relative to the use of a voting equipment system in the city of Haverhill (see House, No. 4040) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Recesses.

Recesses.

At thirteen minutes after eleven o'clock A.M., on motion of Mr. Peterson of Grafton (Mr. Petrolati of Ludlow being in the Chair), the House recessed until the hour of twelve o'clock noon; and at twenty-three minutes before one o'clock P.M. the House was called to order with Mr. Donato of Medford in the Chair.

The House thereupon took a further recess until five minutes after one o'clock; and at five minutes before two o'clock the House was called to order with Mr. Donato in the Chair.

Engrossed Bill — Land Taking.

Norwood,
park land.

The Speaker being in the Chair,—

The engrossed Bill authorizing the conveyance of certain parcels of land (see House, No. 3753) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Bill enacted (land
taking),
yea and nay
No. 107.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call (Mr. Petrolati of Ludlow being in the Chair) 153 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 107 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Reports of Committees.

Pension fund
investment.

Mr. Donato of Medford being in the Chair,—

By Mr. Kaufman of Lexington, for the committee on Public Service, on House No. 3749 (as relates to section 5), a Bill to reduce the stress on local property taxes through enhanced pension fund investment (House, No. 4118). Read; and referred, under Joint

Rule 29, to the committees on Rules of the two branches, acting concurrently.

Mr. Scaccia of Boston, for said committee, reported that the foregoing bill ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

Mr. DeLeo of Winthrop, for said committee, reported that the foregoing bill ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, then reported that the matter be schedule for consideration by the House.

Under suspension of the rules, on motion of Mr. Correia of Fall River, the bill was read a second time forthwith.

Pending the question on ordering the bill to a third reading, Mr. DeLeo moved to amend it by substitution of a bill with the same title (House, No. 4125), which was read.

The amendment then was adopted; and the substituted bill was ordered to a third reading.

Recess.

At the hour of two o'clock P.M., on motion of Mr. Correia of Fall River (Mr. Donato of Medford being in the Chair), the House recessed until half past two o'clock; and at that time the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Under suspension of the rules, on motion of Mr. DeLeo of Winthrop, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

After remarks on the question on passing the bill to be engrossed, Representatives Linsky of Natick and Peisch of Wellesley moved to amend it in section 1, in line 00, by striking out the following: "65 per cent" and inserting in place thereof the following: "69 per cent". The amendment was rejected.

After debate on the question on passing the bill to be engrossed, Mr. Walsh of Boston moved to amend the bill in section 2, in line 5; and also in section 5, in line 6, by striking out the following: "65 per cent" and inserting in place thereof, in each instance, the following: "60 per cent".

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 36 members voted in the affirmative and 117 in the negative.

Amendments
rejected,
yea and nay
No. 108.

[See Yea and Nay No. 108 in Supplement.]

[Mr. Bradley of Hingham answered "Present" in response to his name.]

Therefore the amendments were rejected.

Mr. Walsh of Boston then moved to amend the bill by substitution of a bill with the same title, which was read.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 29 members voted in the affirmative and 123 in the negative.

Amendment
rejected,
yea and nay
No. 109.

[See Yea and Nay No. 109 in Supplement.]

[Mr. Bradley of Hingham answered "Present" in response to his name.]

Therefore the amendments were rejected.

Amendment

rejected,
yea and nay
No. 109.

Representatives Linsky of Natick and Peisch of Wellesley then moved to amend the bill in section 2, in line 5; and also in section 5, in line 6, by striking out the following: "65 per cent" and inserting in place thereof, in each instance, the following: "69 per cent". The amendments were rejected.

The same members then moved to amend the bill by inserting after section 7 the following section:

"SECTION 7A. Notwithstanding any general or special law to the contrary, the commission shall order each system that in any year has either a funded ratio of less than 65 per cent, or has a rate of return during the previous 10 years that is at least 2 percentage points less than the PRIT rate of return over the same period, but not both, all as determined by the commission, to transfer all of its assets to the PRIT Fund for investment, upon the either of the following:

1. In a town, upon a majority vote of the Board of Selectmen;
2. In a city, upon the approval of the Mayor or other chief executive;
3. In a county system, upon the approval of a majority of the chief executive officers of the member communities."

The amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by striking out the title and inserting in place thereof the following title: "An Act relative to underperforming pension funds."

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 18 members voted in the affirmative and 132 in the negative.

[See Yea and Nay No. 110 in Supplement.]

[Mr. Bradley of Hingham answered "Present" in response to his name.]

Therefore the amendment was rejected.

Mr. Welch of West Springfield then moved to amend the bill in section 2, after the second paragraph, by inserting the following paragraph:

"Any local board shall have the opportunity to prove through an actuarial report that its rate of return has been higher than the PRIT rate of return over a period of time of not less than 7 years and not more than 13 years. If such system has outperformed the PRIT fund the local system would be exempt from the asset transfer requirements of this section."

The amendment was rejected.

Mr. Fennell of Lynn and other members of the House then moved to amend the bill in section 1, in line 6, by striking out the word "all" and inserting in place thereof the following: "not less than 20 per cent"; and by inserting after section 2 the following section:

"SECTION 2A. If within five years, the average rate of return and funding level of each retirement system is still underperforming, the retirement system shall be required to transfer an additional 10% of its assets to the PRIT fund for investment."

The amendments were rejected.

Bill passed

After remarks on the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Kaufman of Lexington and on the roll call 134 members voted in the affirmative and 17 in the negative.

[See Yea and Nay No. 111 in Supplement.]

[Mr. Bradley of Hingham answered "Present" in response to his name.]

Therefore the bill (House, No. 4125) was passed to be engrossed. Sent to the Senate for concurrence.

Orders of the Day.

House bills

Authorizing the town of Weymouth to make conveyance and sale of certain water supply land (House, No. 1975); and

Establishing the Massachusetts College of Arts and Design (House, No. 4088) (its title having been changed by the committee on Bills in the Third Reading);

Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Order.

On motion of Mr. DiMasi of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at twenty minutes before five o'clock P.M., on motion of Ms. Reinstein of Revere (Mrs. Harkins of Needham being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M., in an Informal Session.